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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,039	08/16/2006	Frederik Hendrik In't Veld	NL05 0182 US1	9444
65913	7550	04/30/2009		
NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			EXAMINER DENTER, CLARK F	
			ART UNIT 3724	PAPER NUMBER
			NOTIFICATION DATE 04/30/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

### Office Action Summary

**Application No.**

10/598,039

**Applicant(s)**

INT' VELD ET AL.

**Examiner**

Clark F. Dexter

**Art Unit**

3724

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 April 2009.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.  
4a) Of the above claim(s) 5-9 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 16 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date 12/1/06  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I (claims 1-4) in the reply filed on April 8, 2009 is acknowledged. The traversal is on the ground(s) that because the groups have a common technical feature, they are related to a single inventive concept and thus should not be divided through Lack of Unity. This is not found persuasive because it is respectfully submitted that the test is not whether the groups have common technical features. Rather, the test is whether each of the groups has a special technical feature that is not required in the other groups. It is respectfully submitted that each of the groups has such a special technical feature as described in the Lack of Unity requirement and thus the Lack of Unity is considered to be proper. Further, it is noted that each group requires separate consideration and search for the corresponding special technical feature and thus creates an undue burden to examine all of the groups together.

Claims 5-9 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention.

The requirement is still deemed proper and is therefore made FINAL.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

3. The information disclosure statement filed on December 1, 2006 has been received and the references listed thereon have been considered with the exception of the ISR for Publication, a copy of which has not been received (i.e., no document has been received with the corresponding WO document number).

***Oath/Declaration***

4. Receipt is acknowledged of papers filed under 35 U.S.C. 119 (a)-(d) based on an application filed in the United States on February 23, 2004. Applicant has not fully complied with the requirements of 37 CFR 1.63(c), since the declaration includes the incorrect filing date of the priority document. A new declaration is required in the body of which the present application should be identified by application number and filing date.

***Claim Rejections - 35 USC § 112, 2<sup>nd</sup> paragraph***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, line 1, the recitation "the nozzles" lacks positive antecedent basis.

In claim 3, line 1, recitation "the nozzle" lacks positive antecedent basis; in lines 2-3, the recitation "wherein the nozzle is oriented generally toward the semiconductor device while the cutting blade is dicing the semiconductor device" renders the claim vague and indefinite since the invention is being positively defined in terms of structure (e.g., the semiconductor device) that is not part of the claimed invention.

In claim 4, line 2, the recitation "a plurality of nozzles" is vague as to whether it refers to the/those nozzle(s) previously recited or to other such nozzles; in line 3, the recitation "a cutting blade" is vague as to whether it refers to the cutting blade previously recited or to another such cutting blade; in line 4, the recitation "a channel" is vague as to whether it refers to the channel previously recited or to another such channel.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 955 119 A2 and/or B1 (hereafter EP '119).

EP '119 discloses a nozzle assembly with every structural limitation of the claimed invention including:

one or more nozzles (e.g., 12) configured to protrude toward a cutting blade for cutting a semiconductor device; and

a channel (e.g., the portion in which the blade is inserted as viewed in Fig. 5) formed in each of the nozzles, the channel being configured to at least partially surround the cutting blade, so as to simultaneously direct flow of a fluid onto the cutting edge of the cutting blade and onto the sides of the cutting blade;

[claim 2] wherein the nozzles are affixed to and in fluid communication with a pipe member (e.g., 11, 39), so as to direct flow of the fluid from the pipe member through the one or more channels;

[claim 3] wherein the nozzle is oriented generally toward the semiconductor device while the cutting blade is dicing the semiconductor device.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35

U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35

U.S.C. 103(a).

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 955 119 A2 and/or B1 (hereafter EP '119).

EP '119 discloses a nozzle assembly with almost every structural limitation of the claimed invention as described above but lacks a plurality of the nozzles. However, the Examiner takes Official notice that it is old and well known in the art to provide a plurality of nozzles, particularly with a cutting blade for various well known benefits including to facilitate cooling a larger blade or to provide additional cooling action on a particular blade, for example to more quickly cool the blade and/or to provide a larger amount of cooling to the blade. Therefore, it would have been obvious to one having ordinary skill in the art to provide a nozzle assembly having plural nozzles on the device of EP '955 to gain the well known benefits including those described above.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/  
Primary Examiner, Art Unit 3724**

cfd  
April 27, 2009